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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,622	01/10/2002	Guoqing Chen	A-737A	2922
21069	7590	03/17/2004	EXAMINER	
AMGEN INCORPORATED MAIL STOP 27-4-A ONE AMGEN CENTER DRIVE THOUSAND OAKS, CA 91320-1799			KUMAR, SHAILENDRA	
			ART UNIT	PAPER NUMBER
			1621	

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,622

Applicant(s)

CHEN ET AL.

Examiner

SHAILENDRA - KUMAR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-43 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This office action is in response to applicants' communication filed on 12/6/03.
2. Upon subsequent reconsideration, the election requirement of 11/18/03 is hereby vacated, and the following restriction requirement is in order.
3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-43, drawn to compounds, composition and method of use when, compounds are non heterocyclic, classified in class 564, subclass various.
 - II. Claims 1-43, drawn to compounds, composition and method of use when, A is 5 membered partially saturated heterocyclyl, classified in class various, subclass various.
 - III. Claims 1-43, drawn to drawn to compounds, composition and method of use when, A is 6 membered partially saturated heterocyclyl, classified in class various, subclass various
 - IV. Claims 1-43, drawn to compounds, composition and method of use when, A is 5 membered heteroaryl, classified in class various, subclass various.
 - V. Claims 1-43, drawn to compounds, composition and method of use when, A is 6 membered heteroaryl, classified in class various, subclass various.
 - VI. Claims 1-43, drawn to compounds, composition and method of use when, A is 9 membered fused heteroaryl classified in class various, subclass various.

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- VII. Claims 1-43, drawn to compounds, composition and method of use when, A is 10 membered fused heteroaryl, classified in class various, subclass various.
- VIII. Claims 1-43, drawn to compounds, composition and method of use when, A is 11 membered fused heteroaryl, classified in class various, subclass various.
- IX. Claims 1-43, drawn to compounds, composition and method of use when, A is 9 membered fused partially saturated heterocyclyl, classified in class various, subclass various.
- X. Claims 1-43, drawn to compounds, composition and method of use when, A is 10 membered partially saturated heterocyclyl, classified in class various, subclass various.
- XI. Claims 1-43, drawn to compounds, composition and method of use when, A is 11 membered partially saturated heterocyclyl, classified in class various, subclass various.

The inventions are distinct, each from the other because of the following reasons:

- 4. The 11 inventions above are patentably distinct, as they are divergent subject matter with respect to the ring A and are classified separately, and a reference anticipating one of the above groups, may not render the others obvious under 35 USC 103. hence restriction requirement is deemed proper.

5. In view of the complexity of the restriction requirement, a written restriction requirement is made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Additionally, applicants need to elect a single disclosed species from the either of the group elected and to point out to the claims that read on the elected species.

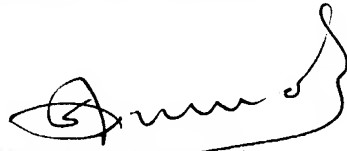
6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAILENDRA - KUMAR whose telephone number is (571)272-0640. The examiner can normally be reached on Mon-Thur 8:00-5:30, Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on (571)272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAIENDRA - KUMAR
Primary Examiner
Art Unit 1621

S.Kumar
3/15/04